* CHAPTER I

PROGRESS OF TENANCY REFORMS

The ryots had an unrestricted right of transfer and sub-letting in the ryotwari areas and also in the intermediary areas except the Uttar Pradesh and Madhya Pradesh which had restricted the tenants' right of transfer and the right to sub-let. Due to a number of causes lands tended to accumulate in the hands of rent-receiving interests, and tenancy problems on a considerable scale became prevalent.

2. Initially, the intermediaries enjoyed more or less absolute rights and the cultivators were reduced to the status of tenants-at-will. In course of time, as conditions stabilised, rights of permanent and heritable possession and in many cases also the rights of transfer, were conferred upon the tenants of the intermediaries. Till recently legislative activity was directed mainly towards protecting the rights of tenants holding land under intermediaries. In the ryotwari areas legislation for tenancy reforms is of comparatively recent growth Bombay gave a lead in the matter by enacting the first legislation for tenancy reforms in 1939. A number of other States have enacted legislation for the reform of tenancies since the attainment of Independence.

3. The term 'tenant' has been variously defined in different States. In some States like Bombay, no distinction was made between share-croppers and tenants paying fixed produce rent or cash rent. In others like West Bengal, Assam and Travancore-Cochin, crop-sharers were not treated as tenants. In a large number of States, by custom or practice, persons employed as partners by the land-holders on terms of payment of a share of the produce are not treated as tenants and no tenancy rights accrue to them.

4. Tenancy Reform concerns generally the following classes of tenants:-

(1) tenants of home-farm lands in the intermediary areas;

(2) sub-tenants in the intermediary areas;

(3) tenants holding lands from raiyats in the raiyatwari areas; and

(4) share-croppers who are in some areas not included in the definition of the term tenant, though they have all the characteristic features of a tenant.

5. The First Five Year Plan contained the recommendations of the Planning Commission regarding

(1) security of tenure for the tenants;

(2) a right of purchase for the tenants; and

(3) regulation of rents

The First Plan did not make any distinction between the crop-sharers and the tenants paying fixed produce or cash rent. It has been generally the practice to confer security of tenure on tenants and sub-tenants who have been in possession of land for considerable periods. In West Bengal and

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* This Chapter is based on the material available with the Planning Commission.

Bihar, Bombay, Madhya Pradesh, Orissa, Punjab, Madras, Uttar Pradesh and West Bengal), seven part B States (Hyderabad, Jammu and Kashmir, Madhya Bharat, Mysore, PEPSU, Rajasthan and Travancore-Cochin) and five Part C States (Ajmer, Delhi, Himachal Pradesh, Kutch and Vindhya Pradesh). Andhra State enacted tenancy law during 1956-57. The salient features of the tenancy laws in force in various States are discussed in the succeeding paragraphs:

(1) Andhra Pradesh: The Hyderabad Tenancy and Agricultural Lands Act of 1950 as amended up to 1956 is in force in the Telangana area.

The main features of this Act are discussed in the next Chapter.

The Andhra Tenancy Act enacted in 1956-57 is in force in the Andhra districts. This Act provides for a fixity of tenure for tenants for a period of six years and for regulation of rent at 50% of the gross produce for irrigated lands and 45% of the gross produce for dry lands.

2. Assam: Legislation has been enacted for imposition of a ceiling at ~~4x~~ 50 acres. The law provides for State acquisition of surplus lands. The landlord's right to resume land from tenants has been restricted to 2/3rd of the area subject to a minimum of $8\frac{1}{3}$ acres and a maximum of $33\frac{1}{3}$ acres. The maximum crop share rent has been fixed at 1/4th of the produce where the landlord provided bullocks and seeds and 1/5 when the tenant provided bullocks and seeds.

3. Bihar: In Bihar, sub-tenancies are still regulated under the Act of 1885. Under this Act an under-riayat who has held land continuously for 12 years gets the right of occupancy. An under-raiyat who has held land for less than 12 years is liable to ejectment on the expiry of the period of lease if he holds lands under a written lease. An under-raiayat holding land on an oral lease is not liable to ejectment except for non-payment of rent or improper use of land. In view of the large-scale ejectment which followed when the under-raiayats holding land on oral leases tried to assert their rights during the recent survey and settlement operations, legislation was undertaken recently to provide for restoration of under raiyats ejected since 1953, on application or by the Collector suo motu.

The tenants have not been given any right of purchase. The cash rent payable by a sub-tenant was not to exceed by more than 50% the rent payable by the immediate landlord, when the rent is payable under registered leases, in other cases 25%. The maximum produce rent is fixed at 7/20th of the gross produce excluding bhoosa.

4. Bombay: The present Bombay State is made up of five areas as follows:

(i) Maharashtra and Gujarat;
(ii) Marathwada;
(iii) Vidarbha
(iv) Saurashtra; and
(v) Cutch.

Bihar occupancy rights are conferred on under-raiyats who have been in possession of land for a continuous period of 12 years. In Bombay and Hyderabad protected tenancy rights were given to tenants in possession of land for six years. The distinction between 'protected tenants' and other tenants was removed in 1956 by amendment of the Bombay Tenancy Act. The recommendations of the First Plan for conferment of security of tenure applied to all tenants irrespective of the period of possession.

6. The First Plan recommended security of tenure for tenants subject to the landlords' right to resume a limited area for personal cultivation. In view of the fact that the right of resumption is the core of the problem of security of tenure and the tenants are liable to ejectment to the extent the landlord has the right to resume land for personal cultivation, many of the States have considered it desirable to provide that the tenants are not rendered landless as a result of the landlord's right of resumption. This is achieved in three different ways, viz.,

(1) tenants are given the right to retain a minimum holding and the landlords can resume only the land held by the tenants in excess of the minimum holdings;

(2) the landholder may resume only a portion of the land leased to tenants;

(3) the landholder may resume land only when the Government has provided some alternative land to the tenant.

In the tenancy legislation undertaken in the various States during the First Plan, the conferment of rights on the tenants is provided for in four different forms namely:-

(i) the landlord is not allowed to resume any land by ejecting tenants and all the tenants holding land on a particular date get permanent and heritable rights;

(ii) the tenant gets the right to retain a minimum holding or a portion of the holding held on lease or obtain alternative area from the Government before he is ejected. In either case an upper limit is fixed to the extent of land which a landholder may thus resume from his tenants;

(iii) although an upper limit on the resumable area is imposed, there is no right for the tenant to retain or obtain a minimum holding or a portion of the holding;

(iv) there is no upper limit and the landholder has the right to eject the tenants-at-will or resume the entire /area for personal cultivation.

The First Plan also contained a recommendation that the tenants-of non-resumable area should have a right of purchase, the price being determined as a multiple of the rental value of the land and payment being made in instalments. It was also suggested that there is advantage in the Government establishing direct contact with tenants. The Plan also recommended that the rent should not exceed one-fourth or one-fifth of the produce.

7. By the close of the First Five Year Plan period tenancy laws had been enacted in nine Part A States (Assam,

The Bombay Tenancy and Agricultural Lands Act of 1948 with subsequent amendments is in force in Gujarat and Maharashtra. The salient features of this Act are discussed in the next chapter.// The Hyderabad Tenancy & Agricultural Lands Act, 1950 with amendments is in force in Marathwada. The main features of/ /this Act also are discussed in the next chapter In Saurashtra the problem is mainly of tenants of intermediaries who have generally been conferred ownership, at the time of abolition of intermediaries. Tenancies in rayatwari holdings are not regulated.

Cutch: The original Bombay Tenancy and Agricultural Land Act, 1948 was made applicable to Cutch but not the subsequent amendments. Hence, the provision of the Bombay Act regarding the Tillers' Day are not applicable in this area.

Vidarbha: The Berar Regulation of Agricultural Leases Act of 1951 is in force in Berar and the tenancy provisions of Madhya Pradesh Land Revenue Act, 1954, are applicable in other areas of Vidarbha. In substance, the Berar Regulation of Agricultural Leases Act of 1951 broadly follows the provisions about the protected tenants embodied in the Bombay Tenancy and Agricultural Lands Act of 1948. The provisions of the Madhya Pradesh Land Revenue Act have been summarised in the paragraph dealing with the Tenancy Legislation in Madhya Pradesh.

(5) Jammu and Kashmir: A ceiling was fixed at 22¾ acres in 1950 and the excess land was acquired by the State Government without payment of compensation. Security of tenure has also been conferred by legislation. The tenancy law provides that where the landlord holds cultivated land exceeding 12½ acres the rent shall not exceed 1/4th the gross produce in the case of wet lands and 1/3rd in case of dry land. If the landlord holds 12½ acres or less, the rent is not to exceed 1/2 the gross produce.

(6) Kerala: In areas which formed part of former Travancore-Cochin State there are (i) Kanam tenants; (ii) Verumpattamdars and (iii) Waramdars (crop-sharers).

The kanam tenants have fixity of tenure. In Travancore area they pay assessment together with the landlords dues to the State. This provision was recently extended to Cochin area also. Thus there is no direct landlord-tenant relationship in the case of kanam tenants. It is not unusual for the kanamdars themselves to constitute a class of landlords.

In Cochin area, verum pattamdars have fixity of tenure. In Travancore area their ejectment has been temporarily stayed. In many cases verum pattamdars also got their lands cultivated by crop-sharers.

Waramdars are not considered tenants in Travancore-Cochin and they are liable to ejectment at the will of the landlord.

Legislation has yet to be enacted restricting the right of resumption and providing for the purchase of the non-resumable area by the tenant. Maximum rent has not yet been fixed.

In the area transferred to Kerala State from Madras, the Malabar Tenancy Act is in force. In this area the maximum rent is half the net produce for wet lands and 3 times the annual assessment for dry lands.

(7) Madhya Pradesh: In areas where the Regulation of Agricultural Leases Act of 1951 as amended in 1953 is in force, all lessees are given the status of protected leases in an area not exceeding 50 acres. A protected lessee has a minimum term of 5 years renewable on application. He is, however, liable to ejectment if the land holder wants to resume land for personal cultivation upto an area of 50 acres. There is no provision for a minimum holding being left with the lessee.

In other parts of former Madhya Pradesh the Land Revenue Code provides for the accrual of occupancy rights to tenants on lands which have been habitually sub-let, i.e. land which is sublet for three years in any consecutive period of five years. In other cases tenants hold land from year to year.

In former Madhya Pradesh occupancy tenants have been given the optional right to purchase the land. There is no restriction on the right of purchase and the purchase price payable is 7 times the rent for acquiring Bhumidar's rights and 10 times the rent for acquiring Bhumiswami's rights. The price has to be deposited with the application. Rent is not regulated.

In areas which formed part of Madhya Bharat subletting has been prohibited under the Madhya Bharat Land Revenue and Tenancy Act of 1950.

In the zamindari and jagirdari areas of former Madhya Bharat the existing tenants were given a right of purchase within a period of four years, which was subsequently extended by another two years. Pending purchase they retain their existing status.

In the ryotwari area of former Madhya Bharat the subleases were to have terminated before the expiry of the period of four years and if any sub-tenant or tenant was allowed to retain he was considered a trespasser. Recently ejectments have also been stayed. There is, however, no provision for the restoration of ~~xxxxx~~ ejected tenants. The tenants who got the right of purchase have to pay 2 to 8 times the net income to the landlord as purchase price. Rent of existing sub-tenants are not regulated; rents of sub-tenants admitted in future will be twice the assessment.

The Vindhya Pradesh Land Revenue and Tenancy Act is in force in areas of former Vindhya Pradesh State. It provides for a minimum term of 7 years for all sub-tenants. The tenant may purchase an area not exceeding 10 acres provided (a) his total holding including area already owned and the area of land which he seeks to acquire does not exceed 30 acres; and (b) the owner is left with 30 acres. The price payable for purchase is 15 times the annual rent payable by the sub-tenant and should be paid in prescribed annual instalments not exceeding 15. Cash rent is not to exceed 4 times the land revenue in the case of irrigated land, and 2 times for other lands. Crop rents should not exceed 1/3 of the produce in the case of irrigated lands and 1/4 of the produce in the case of other lands.

Ejectment of tenants has been stayed in former Bhopal State.

(8) Madras: Under the Tanjore Tenants and Pannaiyal Protection Act, 1952, which is in force in Tanjore district, the ejectment of tenants holding lands from persons owning 6 2/3 acres or more of wet lands or 20 acres of dry lands has been temporarily stayed for a period of five years. Tenants of small owners are not protected. In South Kanara district the ejectment of tenants was stayed under the Act of 1954. Under the Madras Cultivating Tenants Protection Act 1955 the ejectment of tenants in other areas of the State was stayed for one year. This Act was amended in 1954 extending the period of stay of ejectment from one year to three years and also making the Act applicable all over the State except in areas where Malabar Tenancy Act of 1929 is in force. This amendment also conferred on the landlord the right to resume land for personal cultivation half the extent of land leased to a tenant provided the extent of land held by him on 1.10.1956 did not exceed 13 1/3 acres of wet land or its equivalent on the basis that one acre of wet land is equal to 1½ acres of garden land or 3 acres of dry land. Persons who had been assessed to sales-tax, profession tax or income-tax under the laws relating to the levy of such taxes during 1954-55 or 1955-56 cannot resume lands for personal cultivation. The right of resumption is subject to the further condition that it should be limited to such extent as would, along with the extent already held by the landlord either as owner or as tenant or both would make up the extent of 5 acres of wet land. The tenants in Madras have not yet been given the right to purchase the non-resumable extent.

//Under the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956, the fair rent has been declared to be -

(i) in the case of wet land, 40 per cent of the normal gross produce or its value in money;

(ii) in the case of wet land where irrigation is supplemented by lifting water, 35 per cent. of the normal gross produce or its value in money;

(iii) in the case of any other class of land 33⅓% of the normal gross produce or its value in money.

In addition the land owner is entitled to one fifth of the straw or stalk of all the crops.

The rent is enhanced to 40% even in case of lands mentioned in (ii) and (iii) above if water is lifted by pumpsets installed at the cost of the land owner. The tenant has to bear all the maintenance charges and the land owner the charges for repairing the pumpsets.

This Act is not applicable to tenants who own or who cultivate either as owner or as tenant or as both an extent of land in excess of 6⅔ acres of wet land or its equivalent The Act is not also applicable to any land during the period when such land is used for raising as main crop sugar cane, plantain or betel vines or any crop which does not give any yield for a continuous period of two years or more from the time of cultivation and also to contracts merely for the collection of harvesting of the produce of any kind.

(9) Mysore: The position in Mysore is discussed in the next Chapter.

(10) Orissa: The ejectment of tenants of owners of 33 acres or more had been stayed under the Tenants Protection Act, 1948. The Tenants Relief Act 1955 provides for the stay of ejectment of all tenants subject to the owner's right to resume up to 7 acres of wet land or 14 acres of dry land for personal cultivation. The condition that the tenant should be left with a ~~xxx~~ minimum extent after such resumption has not yet been incorporated in the Act. Tenants have not been given any right of purchase in the non-resumable area. The cash rent payable by ~~xxxxxx~~ a tenant is not to exceed by more than 50% the rent payable by the immediate landlord, when the rent is payable under the registered lease; in other cases the margin allowed is only 25%. The produce rent is not to exceed 1/4th of the gross produce or value thereof subject to a maximum of 4 mds. of paddy per acre in case of dry lands and 6 mds. in case of wet lands.

(11) Punjab: In the Punjab, the owners are permitted to resume upto 30 standard acres (50 standard acres in case of displaced owners). A tenant cannot be ejected from a minimum area of 5 standard acres unless he is allotted alternative land by the State Government. In order to obtain land for allotment to ejected tenants, provision has been made in the law for declaring surplus, the lands held by an owner under personal cultivation exceeding 30 standard acres (50 standard acres in case of displaced owners). The surplus area will be at the disposal of the State Government for being allotted to ejected tenants or those who may be ejected. A tenant has also the right to purchase the non-resumable area provided he has held the land continuously for not less than six years. He has to pay 3/4th of the average market value prevailing during the preceding 10 years. This amount is payable to the landlord in six-monthly instalments, their number not exceeding ten. The maximum rent is 1/3 the gross produce.

Legislation enacted in 1953 for the former PEPSU area provides that a land owner who holds 10 standard acres or less is entitled to resume all the area from his tenants. If he holds more than 10 standard acres, he is entitled to resume half the area owned, subject to a ~~xx~~ minimum of 10 standard acres and a maximum of 30 standard acres. There is no provision for tenants of owners of 10 standard acres and under retaining a minimum holding or a portion of the holding. The owner's right to eject a tenant has, however, been kept in abeyance temporarily. Although letting in future is not prohibited, once a landlord lets his land (after six months of the commencement of the Act of 1953) he will have no right to resume. The tenant had also been given a right to purchase the non resumable area. The price payable under the 1953 Act is 90 times the land revenue subject to a maximum of Rs.200/- per acre and the tenant is allowed to pay this in not more than six annual instalments. The maximum rent fixed by ~~Sx~~ Statute is 1/3 the gross produce.

The ceiling in former PEPSU area is 30 standard acres (40 standard acres for displaced persons). The excess land is to be acquired by the State Government on payment of compensation . There is also provision for grant of permanent rights to tenants in continuous possession for 12 years.

(12) Rajasthan: The tenants of intermediary's home-farm and sub-tenants are entitled to retain a minimum holding with an annual net income of Rs.1200/- (exclusive of the cost of labour of the tenant or sub-tenant and his family) in which they have been given permanent and heritable rights. The

(7) Madhya Pradesh: In areas where the Regulation of Agricultural Leases Act of 1951 as amended in 1953 is in force, all lessees are given the status of protected leases in an area not exceeding 50 acres. A protected lessee has a minimum term of 5 years renewable on application. He is, however, liable to ejectment if the land holder wants to resume land for personal cultivation upto an area of 50 acres. There is no provision for a minimum holding being left with the lessee.

In other parts of former Madhya Pradesh the Land Revenue Code provides for the accrual of occupancy rights to tenants on lands which have been habitually sub-let, i.e. land which is sublet for three years in any consecutive period of five years. In other cases tenants hold land from year to year.

In former Madhya Pradesh occupancy tenants have been given the optional right to purchase the land. There is no restriction on the right of purchase and the purchase price payable is 7 times the rent for acquiring Bhumidar's rights and 10 times the rent for acquiring Bhumiswami's rights. The price has to be deposited with the application. Rent is not regulated.

In areas which formed part of Madhya Bharat subletting has been prohibited under the Madhya Bharat Land Revenue and Tenancy Act of 1950.

In the zamindari and jagirdari areas of former Madhya Bharat the existing tenants were given a right of purchase within a period of four years, which was subsequently extended by another two years. Pending purchase they retain their existing status.

In the ryotwari area of former Madhya Bharat the subleases were to have terminated before the expiry of the period of four years and if any sub-tenant or tenant was allowed to retain he was considered a trespasser. Recently ejectments have also been stayed. There is, however, no provision for the restoration of ~~xxjxx~~ ejected tenants. The tenants who got the right of purchase have to pay 2 to 8 times the net income to the landlord as purchase price. Rent of existing sub-tenants are not regulated; rents of sub-tenants admitted in future will be twice the assessment.

The Vindhya Pradesh Land Revenue and Tenancy Act is in force in areas of former Vindhya Pradesh State. It provides for a minimum term of 7 years for all sub-tenants. The tenant may purchase an area not exceeding 10 acres provided (a) his total holding including area already owned and the area of land which he seeks to acquire does not exceed 30 acres; and (b) the owner is left with 30 acres. The price payable for purchase is 15 times the annual rent payable by the sub-tenant and should be paid in prescribed annual instalments not exceeding 15. Cash rent is not to exceed 4 times the land revenue in the case of irrigated land, and 2 times for other lands. Crop rents should not exceed 1/3 of the produce in the case of irrigated lands and 1/4 of the produce in the case of other lands.

Ejectment of tenants has been stayed in former Bhopal State.

(13) Uttar Pradesh: Under the Uttar Pradesh Zamindari Abolition of Land Reforms Act security of tenure has been conferred on all tenants and sub-tenants (with the exception of those who hold from persons suffering from a disability) and they have been brought into direct relationship with the State. The State is to recover rent from tenants and sub-tenants. The compensation is being paid in bonds, which will be redeemed in instalments, payment being made out of the increased revenue of the State.

The law prohibits all leases in future, exemptions being made in favour of those who are suffering from a disability such as women, minors, persons serving in the Armed Forces etc.

The law, however, permits 'Sajhedari'. The expression 'Sajhedari' has been defined as an arrangement whereby a person is ~~xkx~~ entitled to a right merely to share in the produce grown on the land in consideration of such persons assisting or participating with the landholder in the actual performance of agricultural operations. A person who thus assists a landholder in the cultivation of land is not considered a tenant and he does not get any rights in the land.

As mentioned earlier all tenants and sub-tenants in Uttar Pradesh have been brought into direct relationship with the State. They have the option to acquire bhumidari (transferable) rights by paying 10 times the rent in a lump sum or 12 times the rent if paid in four six-monthly instalments. The rent payable by sub-tenants is not to exceed twice the hereditary rent rate.

(14) West Bengal: There are three classes of tenancies, namely:

(1) Under-raiyats with a right of occupancy (some with full rights of occupancy and others with a limited right of occupancy).

(2) Under-raiyats without a right of occupancy.

(3) bargardars (crop-sharers).

Under-raiyats with 12 years possession got the right of occupancy i.e. permanent and heritable rights. Under the Estate Acquisition Act, the Government have the powers to bring the few under-rayats without a right of occupancy into direct contact with the State.

Bargardars were not regarded as tenants and their rights were regulated by the Bargardars Act of 1950. They could be ejected if the landlord desired to resume the land for personal cultivation. There was ~~xx~~ no limit for resumption. The Land Reform Law passed by the Legislature recently provides for the following:

1) a ceiling of 25 acres

2) limiting the landlords' right to resume for personal cultivation to 2/3rds of the area ~~xxx~~ provided, however, that if the landlord holds less than the area to be prescribed he may resume the entire area; and

3) if the landlord fails to bring the land under personal cultivation or gives it another bargardar within two years of resumption, the holding becomes liable to sale in which the original bargardar has the first option. There is no provision in West Bengal conferring on the tenant the right to purchase the non-resumable extent.

Till recently the rents in West Bengal were as follows:

Crop sharers using their own bullocks were required to pay 1/3 of the gross produce to the landlord (after making an allowance for seed) and 2/3 where bullocks and implements were provided by the landlord. Under the Land R forms Law passed recently by the State Legislature the produce of the land is to be divided between the landlord and bargardar in the ratio of 50:50 when the landlord contributes the cost of cultivation and 40:60 when the bargardar meets it.

In the case of under-raiyats the rents are not regulated but if a landlord applies for enhancement, the enhanced rent, if payable in cash, is not to exceed 1/3 of the value of the gross produce, and if payable in produce, half of such produce.

A ceiling has been fixed both on future acquisition and on existing holdings at 25 acres.

15. Delhi: The Delhi Land Reforms Act, 1953 provides for conferment of ownership on all tenants and sub-tenants with the exception of those who hold lands from persons suffering from a disability. The compensation has to be fixed at rates varying from 20 to 40 times the land revenue and will be recoverable from the tenants and sub-tenants generally in instalments spread over a period of ten years.

In Delhi only small owners who hold an area of less than 8 standard acres are permitted to lease their lands in future others can lease lands only if they are suffering from a disability. The tenants who may thus be admitted will hold land for a minimum term of five years. The maximum rent is not to exceed 1/5th of the gross produce.

(16) Himachal Pradesh: In Himachal Pradesh, every tenant is entitled to retain at least three fourths of the area leased. The landlord may resume the remaining one fourth subject to a maximum of five acres. The purchase price payable is 48 times the land revenue and rates and cesses for non-occupancy tenants and this can be paid in ten instalments spread over 5 years. The maximum rent is fixed at 1/4 of the gross produce.

In Manipur the ejectment of tenants has been stayed temporarily.

8. From the foregoing account, it will be clear that there is no uniformity in the provisions contained in the various enactments on the four principal aspects of the tenancy reforms viz.,

(a) security of tenure
(b) right of purchase
(c) rate of rent, and
(d) ceiling on holdings.

Security of Tenure: In Uttar Pradesh and Delhi all tenants and sub-tenants have been given permanent rights. In Bombay, Punjab, Rajasthan, and Himachal Pradesh security of tenure has been conferred on the tenants subject to the landlord's right to resume land for personal cultivation. Tenants will however retain a minimum holding or a portion of their holding. Bombay, Punjab, PEPSU and Rajasthan have also imposed an upper limit to the extent of land which can be resumed by the landlord for personal cultivation. The Hyderabad Tenancy and Agricultural Lands Act 1950

prescribes not only a maximum limit for resumption by the tenant. In Assam, Orissa and Jammu and Kashmir an upper limit has been fixed to the land which a landlord may resume for personal cultivation but there is no provision for a minimum being left with the tenants. In Andhra, Bihar, Kerala, Madhya Pradesh, Madras, and West Bengal, the landlord's right of resumption of land for personal cultivation is restricted either by prohibiting resumption before the lapse of a definite period or in respect of some class or classes of tenants. Madras and West Bengal have also got a maximum limit for the extent which can be resumed.

Right of Purchase: In Uttar Pradesh and Delhi the tenants can get full ownership on payment of compensation, which is equal to 10 times, the rent in Uttar Pradesh and varies from 4 to 40 times the land revenue in Delhi. In Bombay all tenants (other than tenants of persons who own one economic holding or less and have an income of Rs.1500/- or less) were entitled to purchase the non-resumable area not exceeding three economic holdings. The tenants are deemed to have become owners on 1.4.1957. A tenant who is not willing to purchase ownership or commits default in payment of four instalments becomes liable to ejectment. Optional rights of purchase have been granted to tenants in Madhya Pradesh (including Madhya Bharat and Vindhya Pradesh), Punjab (including PEPSU), Rajasthan (including Ajmer), and Himachal Pradesh. In the Telangana area of Andhra Pradesh also the protected tenants can purchase up to one family holding.

The compensation payable to the owner and the mode of payment vary from State to State (Vide Appendix V).

Rates of Rent: In Andhra Pradesh, Assam, Bihar, Madras, Orissa, Punjab, West Bengal, Jammu and Kashmir, Rajasthan, Delhi and Himachal Pradesh, produce rents have not been prohibited. The quantum of rent varies from 1/6th the gross produce to 1/2 the gross produce. In Uttar Pradesh, and Bombay, and in parts of Andhra Pradesh (Telangana area) and Madhya Pradesh (Madhya Bharat) area the maximum rent is based on the assessment.

Ceiling on holdings: Ceilings on future acquisition as well on existing holdings has been imposed in Assam, West Bengal, Telangana area of Andhra Pradesh, Jammu and Kashmir, PEPSU area in the Punjab and in Himachal Pradesh. Ceiling is operative in respect of future acquisitions (including resumption from tenants) in Bombay, Uttar Pradesh, Madhya Bharat area of Madhya Pradesh and in Delhi.

9. Progress in other countries: The existence of tenancy is not peculiar to India or the Asian countries. Tenancy problem was cropped up in varying degrees in all the older countries of the world. It is only in the comparatively newly settled countries of United States of America, Canada, New Zealand and Australia that tenancy has been found to be comparatively unimportant and comprehensive legislation considered unnecessary, the tenants themselves holding a favourable bargaining position.

In China:Taiwan, Japan and Pakistan, legislation providing security of tenure, including the right to compensation and control of rents has been introduced recently as part of the general programme of Agrarian reform. The new legislation prohibits labour or personal service and other onerous conditions, as for instance,

This account is based on the information contained in the U.N. publication "Progress in the Land Reforms".

compulsory sales of produce to the landlord. These measures affect large numbers of cultivators and are designed to improve security of tenure, to increase the cultivator's share in the produce of the land and to improve his social status. The Burmese Land Nationalisation Act of 1948 provides for landlord compensation and large-scale redistribution of land to farmers. Vietnam, Phillippines and Nepal are other Asian countries which have tackled the tenancy problem by controlling rent.

In Japan the 1946 Owner Farmer Establishment Law has transferred nearly 80% of all tenant land to owner occupancy and 92% of the land is now held by owner-farmers. Under this law the Japanese Government was commissioned to buy the bulk of all land holdings above 2-45 acres owned by absentee landlords and above 7-35 acres held by owner cultivators. The latter provision affected only about 18,000 of Japan's 57,00,000 farms, and many of these 18,000 farms were exempted under a provision enabling an owner cultivator to retain land in excess of the 7-35 acres limit if he did not employ hired labour or if sub-division would reduce the productivity of the land. The law provided that Government should purchase the land directly from the owner and resell it to the tenant. The purchase price of land for Government purchase and resale to the tenant was fixed within the limit of forty times the 1938 rental value for paddy fields and 48 times for upland farms. These rates correspond to the market value of the land in 1946 when the reform law was enacted. The purdhasers were required to pay the price of the land in 30 years by annual instalments, with interest at 3.2%. The purchaser could make a single payment, if he so desired. Government paid for the land purchased by the issue of agricultural land bonds bering interest at 3.5% redeemable in yearly instalments over 22 years.

About 8% of the land in Japan still continues to be cultivated by tenants. Conditions of tenancy in such lands are as follows:

1) Leases must be written and must include the period of lease, rate of rent and other particulars; a copy has to be presented to the Municipal Agricultural Commission.

2) Rents in kind are not permitted and thus share-cropping is not allowed. Rent must be paid in cash only.

3) Landlords may not terminate or cancel leases or give notice that they will not be renewed, without obtaining prior approval of the prefectural governor, and giving six months' to one years' notice. Conditions under which the prefectural governor may give his approval are prescribed by the law.

4) The rent ceiling is fixed, in accordance with the classification of the land, by the municipal agricultural Commission, with the approval of the prefectural governor. The rent is based on the farm income required to give the tenant fair and proper profit as a farm operator.

Transfers of agricultural land and leases require approval by authorities and this strengthens the position of the tenant cultivator since transacntions are not approved which convey the ownership of tenant land to any person but the tenant or members of his family, or which establish an intermediary lease hold. No lease contract is approved which does not include the right of the tenant to compensation for improvements.

In Western Europe legislation for the protection of tenants has long existed and has been subject to continuous amendment and improvement. There has been considerable progress in recent years and as a result of the enactment and enforcement of new legislation tenants now enjoy a high degree of security.

In the Middle-East, apart from Israel which has a unique system of land settlement - tenancy of various types, including share-cropping is a predominant form of tenure. The majority of cultivators appear to enjoy little security. The share-croppers, who form a large proportion of the farm population, are particularly affected.

In many Latin American countries, the agrarian structure is characterised by extreme inequality in the distribution of land ownership. This affects relations between landlord and tenant and adds to the insecurity of tenure. In many of these countries, the problem is stated to be primarily one of increasing the security of the squatter, who cultivates a piece of land without any right to it, rather than the security of the tenant cultivator, who at least has some protection in his lease. The squatter having no right - and no protection has no incentive to good farming; on the contrary he has every inducement to follow soil-exhausting practices.

Under the indigenous tenures which still prevail over the large part of Africa large land ownership does not exist. Hence problems of insecurity and high rents do not arise.

The enforcement of land reform laws has been entrusted to special administrative machinery, separate from courts, in China; Taiwan, Japan, Pakistan and Phillipines.

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